

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
AGRICULTURE, CONSERVATION AND FORESTRY**

JULY 1999

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Bill carried over to Second Regular Session
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
ENACTMENT FAILED.....	Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONT P.....	Ought Not To Pass report accepted
OT P ND.....	Committee report Ought To Pass In New Draft
OT P ND/NT.....	Committee report Ought To Pass In New Draft/New Title
P & S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY PIEH	OTP-AM	S-305 S-379 KILKELLY

LD 2108 proposed repealing current law and enacting a new provision governing liability for equine activities. It proposed giving equine activity sponsors, equine professionals and other persons immunity from liability for property damage or damages arising from personal injury or death of a participant or spectator resulting from the inherent risks of equine activities. The inherent risks of equine activities are defined in the bill. The bill proposed explicit exceptions to the liability protection.

Committee Amendment "A" (S-305) proposed an exception from the proposed liability protection when an equine activity occurs in a place designated for spectators or in a place where an equine activity would not be expected to occur.

Senate Amendment "C" (S-379) proposed several technical changes to the bill. The amendment proposed allowing an equine professional to assert immunity from liability for injury or death of a person resulting from the inherent risks of equine activity only if the professional has posted a sign notifying the participant of those inherent risks and the limitation on the liability of the equine professional or has obtained a signed written statement from the person containing the notification of inherent risks and liability.

This amendment also proposed specifying that an equine activity sponsor, professional or other person is not immune from liability if that person causes injury or damage to another person by committing an act or omission that constitutes “reckless” disregard for the safety of others. The original bill specified that an equine activity sponsor, professional or other person is not immune from liability if that person causes injury or damage to another person by committing an act or omission that constitutes “intentional” disregard for the safety of others.

Enacted law summary

Public Law 1999, chapter 498 repeals current law and enacts a new provision governing liability for equine activities. Chapter 498 gives equine activity sponsors, equine professionals or other persons immunity from liability for property damage or for personal injury or death of a participant or spectator resulting from the inherent risks of equine activities. An equine professional is allowed to assert immunity from liability for injury or death of a person resulting from the inherent risks of equine activity only if the professional has posted a sign notifying the participant of those inherent risks and the limitation on the liability of the equine professional or has obtained a signed written statement from the person containing the same notification of inherent risks and liability limitations.

Specific exceptions to the liability limitations are provided. An equine activity sponsor, professional or other person is not eligible for immunity if that person causes injury or damage to another person by committing an act or omission that constitutes reckless disregard for the safety of others.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM MAJ ONTP MIN	

LD 2179 proposed directing the Maine Forest Service to develop recommendations to end the practice of liquidation harvesting in Maine's forests.

Committee Amendment "A" (H-640) proposed directing the Maine Forest Service to develop recommendations to address poor forest practices. The Maine Forest Service would be charged with defining poor forest practices including timber liquidation harvesting. It also proposed to add a fiscal note to the resolve. This amendment was the majority report. It was not adopted.

**LD 2190 Resolve, to Provide for the Implementation of a Maine Meat Inspection Program RESOLVE 68
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY PIEH	OTP-AM	S-274 S-388 MICHAUD

LD 2190 proposed reestablishing the Maine Meat Inspection Act.

Committee Amendment "A" (S-274) proposed replacing the original bill with a resolve directing the Department of Agriculture, Food and Rural Resources to study and develop an implementation plan for a Maine meat inspection program. It proposed requiring the department to make recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry and authorizing the committee to report out legislation as a result of this report. It proposed an appropriation of \$70,000 to carry out the study. This amendment also proposed to add an emergency preamble, emergency clause and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-388) proposed to clarify that this funding is on a one-time basis.

Enacted law summary

Resolve 1999, chapter 68 directs the Department of Agriculture, Food and Rural Resources to study and develop an implementation plan for a Maine meat inspection program. The department is required to make recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 3, 2000. The committee is authorized to report out legislation during the second session of the 119th Legislature. The department is appropriated \$70,000 to carry out this study.

Chapter 68 was enacted as an emergency measure effective June 11, 1999.

LD 2218 Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands RESOLVE 50

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM	S-273

LD 2218 proposed authorizing two land transactions by the Director of the Bureau of Parks and Lands within the Department of Conservation; an exchange of the State's interest in land in the Town of Gray for a larger parcel in the Town of Gray that is adjacent to other lands held by the State and an exchange of rights of way to enhance access to state lands located in T10, S. D., Hancock County.